

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARIUS SAMUELS,)	
Plaintiff,)	
)	C.A. No. 22-228 Erie
)	
v.)	
)	
DR. LONGNECKER, et al.,)	District Judge Susan Paradise Baxter
Defendants.)	Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

Plaintiff Darius Samuels, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”), initiated this civil rights action by filing a *pro se* complaint, pursuant to 42 U.S.C. § 1983, against Defendants Nicholas Longnecker, M.D., Larry Kneiss CRNP, and Daniel Stroup, P.A., all of whom provide medical services to inmates at SCI-Albion. Plaintiff alleges that Defendants acted with deliberate indifference to his serious medical needs in violation of his rights under the eighth amendment to the United States Constitution. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Following discovery, Defendants filed a motion for summary judgment on October 16, 2023 [ECF No. 35]. Plaintiff filed an affidavit in opposition to Defendants’ motion but did not file either a brief or a response to Defendants’ concise statement of material facts, despite the issuance of a show cause order by Chief Magistrate Judge Lanzillo on February 8, 2024 [ECF No. 44].

On March 14, 2024, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendants' motion for summary judgment be granted on all claims in this case. [ECF No. 45]. In particular, Judge Lanzillo concluded that Plaintiff has failed to establish he suffered from a serious medical need or that Defendants acted with deliberate indifference to his medical complaints. (*Id.* at p. 10). Objections to the R&R were due to be filed by April 1, 2024; however, no timely objections have been received.

Thus, after *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of April, 2024;

IT IS HEREBY ORDERED that Defendants' motion for summary judgment [ECF No. 35] is GRANTED, and judgment will be entered in favor of Defendants and against Plaintiff on all claims in this case. The report and recommendation of Chief Magistrate Judge Lanzillo, issued March 14, 2024 [ECF No. 45], is adopted as the opinion of the court.

The Clerk is directed to mark this case closed.



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge